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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DAN MCCONKEY,

Plaintiff,

vs.

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

Civil No. 05-0853-ST

ORDER AUTHORIZING 406(b) FEES

Pursuant to 42 U.S.C. 406 (b), reasonable attorney fees in the amount of \$12,844.50 are hereby awarded to Plaintiff's attorney, Richard F. McGinty. Previously, this court awarded Mr. McGinty \$4,939, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. 2412(d). When issuing the 406(b) check, therefore, the agency is directed to subtract the amount previously awarded under the EAJA, the user fee of \$75 and to send to Mr. McGinty the balance of \$7,830.50. Any withheld amount then remaining should be released to plaintiff as soon as practicable.

IT SO ORDERED, this 3rd day of November, 2006.



JUDGE